

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DELAYNA GATLIN, as an individual,
SANDRA GATLIN, as an individual,
and on behalf of all others similarly
situated,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC., an
Ohio corporation; and DOES 1 through
100,

Defendants.

Case No. 2:18-cv-03135-SVW-AS

Assigned to: Hon. Judge Stephen V.
Wilson

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: January 27, 2020
Time: 1:30 p.m.
Courtroom: 10A

Action Filed: January 31, 2018
Pre-Trial Conf: None Set
Trial: None Set

1 The Motion of Plaintiffs Delayna Gatlin and Sandra Gatlin (“Plaintiffs”) for
2 Preliminary Approval of Class Action Settlement came on regularly for hearing
3 before this Court on January 27, 2020, at 1:30 p.m. The Court, having considered
4 the proposed Stipulation of Class Action Settlement (“Settlement”), attached as
5 Exhibit 1 to the Declaration of Elizabeth Nguyen filed concurrently with the
6 Motion; having considered Plaintiffs’ Motion for Preliminary Approval of Class
7 Action Settlement, memorandum of points and authorities in support thereof, and
8 supporting declarations filed therewith; and good cause appearing, HEREBY
9 ORDERS THE FOLLOWING:

10 1. The Court GRANTS preliminary approval of the class action
11 settlement as set forth in the Settlement and finds its terms to be within the range
12 of reasonableness of a settlement that ultimately could be granted approval by the
13 Court at a Final Approval Hearing. The Court preliminarily approves the terms of
14 the Settlement and finds that they fall within the range of approval as fair, adequate
15 and reasonable. Based on a review of the papers submitted by Plaintiffs, the Court
16 finds that the Settlement is the result of arms-length negotiations conducted after
17 Plaintiffs and/or their counsel adequately investigated the claims and became
18 familiar with the strengths and weaknesses of the claims. The assistance of an
19 experienced mediator in the Settlement process supports the Court's conclusion that
20 the Settlement is non-collusive and reasonable. The Settlement is presumptively
21 valid, subject only to any objections that may be raised pursuant to the terms of the
22 Settlement.

23 2. For purposes of the Settlement, the Court finds that the proposed Class
24 is ascertainable and that there is a sufficiently well-defined community of interest
25 among the Settlement Class members in questions of law and fact. Therefore, for
26 settlement purposes only, the Court grants conditional certification of the following
27 Settlement Class:
28

- 1 a. “All Employee Subclass”: All current and former non-exempt
2 employees who worked for Defendant in California from January 31,
3 2014 until the date of preliminary approval who: (1) were paid an
4 hourly rate of pay that was less than 130% of the then-applicable
5 California minimum wage; and (2) were paid a retention bonus (coded
6 “RTN”) and overtime in the same pay period or prior pay period; and
7
8 b. “Former Employee Subclass”: All former non-exempt employees who
9 worked for Defendant in California and separated their employment
10 between January 31, 2015 and the date of preliminary approval who:
11 (1) were paid an hourly rate of pay that was less than 130% of the then-
12 applicable California minimum wage; and (2) were paid a retention
13 bonus (coded “RTN”) and overtime in the same pay period or prior
14 pay period.

15 3. The Court finds that, for settlement purposes only, the requirements
16 of Federal Rule of Civil Procedure 23(a) and Federal Rule of Civil Procedure
17 23(b)(3) are satisfied, with the exception of the manageability requirement of Rule
18 23(b)(3), which the Court need not address for purposes of settlement.

19 4. For purposes of the Settlement, the Court designates Plaintiffs
20 Delayna Gatlin and Sandra Gatlin as Class Representatives, and designates Scott
21 M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul
22 K. Haines of Haines Law Group, APC, as Class Counsel.

23 5. The Court appoints Phoenix Settlement Administrators, as the third-
24 party Settlement Administrator for mailing notices and administering the
25 settlement.

26 6. The Court approves, as to form and content, the Notice Packet (which
27 consists of the proposed Notice of Pendency of Class Action and Proposed
28 Settlement and Notice of Individual Settlement Award) attached to the Settlement
as Exhibits A and B, respectively.

7. The Court finds that the form of notice to the Settlement Class
members regarding the pendency of the action and of the Settlement, and the
methods of giving notice to Settlement Class members constitute the best notice

1 practicable under the circumstances, and constitute valid, due, and sufficient notice
2 to all Settlement Class members. The form and method of giving notice complies
3 fully with the requirements of due process, the United States Constitution, and other
4 applicable law.

5 8. The Court further approves the procedures for Settlement Class
6 members to opt out of or object to the Settlement, as set forth in the Class Notice
7 and the Settlement.

8 9. The procedures and requirements for submitting objections in
9 connection with the Final Approval Hearing are intended to ensure the efficient
10 administration of justice and the orderly presentation of any Settlement Class
11 member's objection to the Settlement, in accordance with the due process rights of
12 all Settlement Class members.

13 10. The Court directs the Settlement Administrator to mail the Notice
14 Packet to the Settlement Class members in accordance with the terms of the
15 Settlement.

16 11. The Class Notice shall provide 45 calendar days' notice for Settlement
17 Class members to submit disputes, opt out of, or object to the Settlement.

18 12. The Final Approval Hearing on the question of whether the Settlement
19 Agreement should be finally approved as fair, reasonable and adequate is scheduled
20 on May 18, 2020, at 1:30 p.m., in Courtroom 10A of this Court, located at 350
21 West 1st Street, Los Angeles, California 90012. The Court reserves the right to
22 continue the date of the Final Approval Hearing without further notice to the
23 Class Members.

24 13. At the Final Approval Hearing, the Court will consider: (a) whether
25 the Settlement Agreement should be approved as fair, reasonable, and adequate for
26 the Settlement Class; (b) whether a judgment granting final approval of the
27 Settlement should be entered; and (c) whether Plaintiffs' request for service awards,
28 settlement administration costs, LWDA's share of PAGA penalties, and Class

Counsel's attorneys' fees and costs should be granted.

14. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for Plaintiffs' service awards and Class Counsel's attorneys' fees and costs on or before _____, 2020. Class Counsel shall file their motion for final approval of the Settlement on or before _____, 2020.

15. An implementation schedule is below:

Event	Date	Actual Date ¹
Defendant to provide Class Data to Settlement Administrator	30 calendar days after issuance of the preliminary approval order	February 26, 2020
Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Information from Defendant	March 11, 2020
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator	April 25, 2020
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	May 1, 2020	
Final Fairness Hearing:	May 18, 2020 at 1:30 p.m.	

16. The Court expressly reserves the right to adjourn or continue the Final Approval Hearing, and other dates set forth in this order, from time to time without further notice to Class Members.

17. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

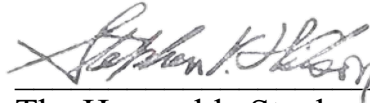
18. Counsel for the parties are hereby authorized to utilize all reasonable

¹ These dates are based on the Court granting preliminary approval at the hearing, currently noticed for January 27, 2020.

1 procedures in connection with the administration of the Settlement which are not
2 inconsistent with either this Order or the terms of the Settlement.

3 IT IS SO ORDERED.

4 Dated: January 21, 2020



5 The Honorable Stephen V. Wilson
6 United States District Judge
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